D.B. CIVIL SPECIAL APPEAL NO.101/2004
Devendra Singh & Ors. Vs. State of Rajasthan & Ors.

Date : 25.04.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. Harish Purohit for the appellant.
Mr. D.N. Yadav for the respondents.
Mr. L.R. Upadhyay, Dy. Government Advocate.

The petitioners-appellants had obtained their respective Bachelors degree in Education through Muslim Minority Ahmediya B.Ed. College, Katihar affiliated to Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura (Bihar). The petitioners had applied for being appointed as teacher grade III in response to advertisement No.98/99 issued by the District Establishment Committee Zila Parishad, Doongarpur on 15.6.1998 and after selection they were appointed as teacher grade III. The services of petitioners-appellants were sought to be terminated by the impugned order in writ petition inter alia on the ground that the B.Ed. Degree obtained by them from Muslim Minority Ahmediya B.Ed. College, Millatnagar, Rampada, Katihar affiliated to Bhupendra Narayan Mandal University, Laloo Nagar, Madhepur (Bihar) have been cancelled by the University, therefore, they were not eligible to hold the post.

The S.B. Civil Writ Petition No.2494/2002 filed by the appellant-petitioners was dismissed by this Court.

The facts about the cancellation of B.Ed. Degree obtained by the petitioners are that the degree was cancelled in pursuance of directions issued under the judgment of a learned Single Judge of Patna High Court which resulted in cancellation of B.Ed. Degrees conferred on the candidates claiming to have been trained at (i) National Teachers Training College, Arer, Madhubani Darbhanga, (ii) S. Wakil Ahmad Teachers' Training College, Murgiyachak, Darbhanga, (iii) RA College of Education Kunjour and (iv) Muslim Minority Ahmadia B.Ed. College, Katihar. The first two colleges were granted affiliation by Lalit Narayan Mithila University, Darbanga and the other two by B.N. Mandal University, Madhepura.

The judgment of learned Single Judge of Patna High Court had been subjected to several Letters Patent Appeals before the Division Bench. The copy of the said Division Bench judgment has been placed before us for perusal. While the Division Bench of Patna High Court upheld that derecognisation of the degree obtained from the first three institutions named above, however, in

regard to the 4th Institution namely Muslim Minority Ahmediya B.Ed. College, Millatnagar, Rampada, Katihar, the Division Bench held that the case of the candidates taking examinations from that institution is different from other colleges in the appeals before the Division Bench. It was held that the University was obliged to hold examination for the students of the College for the session 1999-2000, under the direction of the Court, hence, in order to cure the anomaly, the degrees granted to the students of the college from the past sessions must also be restored.

In view thereof, the Government order and the University notification bearing No.G.S.(A-700)-VCO-615/2000, dated 19.5.2000 (Annexure 14 to CWJC No.7478 of 2000) were quashed in so far as those orders directed for the cancellation of the degrees granted to the appellants in the appeals before the Division Bench. Thus, the relief was confined in relation to only one institution and that too only to the persons, who had appealed against the order of learned Single Judge against the cancellation of the respective degrees obtained by the appellants. The court did not opined about the recognisation of the institution by NCET or by the University.

Considering the aforesaid decision of Division Bench

of Patna High Court, this Court in D.B. Special Appeal No.97/2004, Navin Kumar Vs. State of Rajasthan and others decided on 27th Feb., 2007 had allowed the appeal as the appellant Navin Kumar had obtained B.Ed. Degree from the Muslim Minority Ahmediya B.Ed. College, Millatnagar, Rampada, Katihar affiliated with Bhupendra Narayan Mandal University, Laloo Nagar, Madhepur (Bihar). He had challenged the order of learned Single Judge of Patna High Court through Letters Patent Appeal and the said appeal has been allowed by the Division Bench. In the present appeal only Rajendra Bhatt, the appellant No.2 had preferred such appeal against the order of learned Single Judge of Patna High Court and was allowed vide aforesaid judgment of Division Bench of Patna High Court. The appeal filed by Rajendra Bhatt being LPA No.840/2001 which was decided along with other 19 cases on 5th January, 2007.

It is stated by the learned counsel for the appellant that other persons have now filed writ petition in 2007 before Patna High Court which is pending.

Apparently, no relief has so far been granted to the other appellants and so far as the Bench decision of Patna High Court is concerned, it was stated that they cannot get any relief in

this appeal also.

Accordingly, this appeal is allowed to the extent it relates to the case of Rajendra Bhatt, the appellant No.2 following the aforesaid decision of this Court in D.B. Civil Special Appeal No.97/2004 arising out of S.B. Civil Writ Petition No.2067/2002 decided on 27th February, 2007. The order terminating services of Rajendra Bhatt is quashed. The petitioner Rajendra Bhatt was allowed to continue in service by the interim order passed by learned Single Judge and it is stated by the learned counsel for the parties that he is still continuing in service and the termination order has not been given effect to so far. Hence, we further direct that said Rajendra Bhatt shall be allowed to continue and he shall be allowed all consequential benefits of being continued in service with effect from the date of his appointment as if termination order has not been passed. The appeal of other appellants is dismissed. No cost.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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